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MINISTRY OF LAW (Legislative Department)

New Delhi, the 7th October, 1963/Asvina 15, 1885 (Saka)

The following Acts of Parliament received the assent of the President on the 5th October, 1963, and are hereby published for general information:—

THE CONSTITUTION (FIFTEENTH AMENDMENT) ACT, 1963

[5th October, 1963]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Fifteenth Amendment) Act, 1963. Short title.

2. In article 124 of the Constitution, after clause (2), the following clause shall be inserted, namely:— Amendment
of article
124.

“(2A) The age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide.”.

3. In article 128 of the Constitution, after the words “Federal Court”, the words “or who has held the office of a Judge of a High Court and is duly qualified for appointment as a Judge of the Supreme Court” shall be inserted. Amendment
of article
128.

4. In article 217 of the Constitution,—

(a) in clause (1), for the words “sixty years”, the words “sixty-two years” shall be substituted; Amendment
of article
217.

(b) after clause (2), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

“(3) If any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final.”.

Amendment of article 222. 5. In article 222 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(2) When a Judge has been or is so transferred, he shall, during the period he serves, after the commencement of the Constitution (Fifteenth Amendment) Act, 1963, as a Judge of the other High Court, be entitled to receive in addition to his salary such compensatory allowance as may be determined by Parliament by law and, until so determined, such compensatory allowance as the President may by order fix.”.

Amendment of article 224. 6. In article 224 of the Constitution, in clause (3), for the words “sixty years”, the words “sixty-two years” shall be substituted.

Insertion of new article 224A. 7. After article 224 of the Constitution, the following article shall be inserted, namely:—

Appointment of retired Judges at sittings of High Courts.

“224A. Notwithstanding anything in this Chapter, the Chief Justice of a High Court for any State may at any time, with the previous consent of the President, request any person who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that High Court:

Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that High Court unless he consents so to do.”.

Amendment of article 226. 8. In article 226 of the Constitution,—

(a) after clause (1), the following clause shall be inserted, namely:—

“(1A) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising

jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”;

(b) in clause (2), for the word, brackets and figure “clause (1)”, the words, brackets, figures and letter “clause (1) or clause (1A)” shall be substituted.

9. In article 297 of the Constitution, after the words “territorial waters”, the words “or the continental shelf” shall be inserted. Amendment
of article
297.

10. In article 311 of the Constitution, for clauses (2) and (3), the following clauses shall be substituted, namely:— Amendment
of article
311.

“(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such inquiry:

Provided that this clause shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.

(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.”.

11. In article 316 of the Constitution, after clause (1), the following clause shall be inserted, namely:— Amendment
of article
316.

“(1A) If the office of the Chairman of the Commission becomes vacant or if any such Chairman is by reason of absence or

for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under clause (1) to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the President, in the case of the Union Commission or a Joint Commission, and the Governor of the State in the case of a State Commission, may appoint for the purpose."

Amendment
of the
Seventh
Schedule.

12. In the Seventh Schedule to the Constitution, in List I, in entry 78, after the word "organisation", the brackets and words "(including vacations)" shall be inserted and shall be deemed always to have been inserted.

THE CONSTITUTION (SIXTEENTH AMENDMENT) ACT, 1963

[5th October, 1963]

An Act further to amend the Constitution of India.

Enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Sixteenth Amendment) Act, 1963.

Amend-
ment of
article 19.

2. In article 19 of the Constitution,—

(a) in clause (2), after the words "in the interests of", the words "the sovereignty and integrity of India," shall be inserted;

(b) in clauses (3) and (4), after the words "in the interests of", the words "the sovereignty and integrity of India or" shall be inserted.

Amend-
ment of
article 84.

3. In article 84 of the Constitution, for clause (a), the following clause shall be substituted, namely:—

"(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;"

Amend-
ment of
article 173.

4. In article 173 of the Constitution, for clause (a), the following clause shall be substituted, namely:—

"(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;"

5. In the Third Schedule to the Constitution,—

Amend-
ment of
Third
Schedule.

(a) in Form I, after the words "Constitution of India as by law established," the words "that I will uphold the sovereignty and integrity of India, shall be inserted;

(b) for Form III, the following shall be substituted, namely:—

III

A

Form of oath or affirmation to be made by a candidate for election to Parliament:—

"I, A.B., having been nominated as a candidate to fill a seat in the Council of States (or the House of the People) do swear in the name of God that I will bear true solemnly affirm faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

B

Form of oath or affirmation to be made by a member of Parliament:—

"I, A.B., having been elected (or nominated) a member of the Council of States (or the House of the People) do swear in the name of God that I will bear true solemnly affirm faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.";

(c) in Forms IV, V and VIII, after the words "the Constitution of India as by law established," the words "that I will uphold the sovereignty and integrity of India," shall be inserted;

(d) for Form VII, the following shall be substituted, namely:—

VII

A

Form of oath or affirmation to be made by a candidate for election to the Legislature of a State:—

"I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly (or Legislative Council).

do swear in the name of God that I will bear true
solemnly affirm
faith and allegiance to the Constitution of India as by law
established and that I will uphold the sovereignty and integrity of India”.

B

Form of oath or affirmation to be made by a member of the Legislature of a State:—

“I, A.B., having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do swear in the name of God that I will bear true
solemnly affirm
faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”’.

S. P. SEN-VARMA,
Special Secy. to the Govt. of India.